(a) in time, such officer may sell the property himself, remit the sale-proceeds into the nearest Government treasury, and make a report of such seizure, sale and remittance to the Magistrate and thereupon the Magistrate shall take such measures as may be necessary for the trial of the accused.

(2) The Magistrate may deal with the proceeds of the sale of any property held under clause (a) or clause (b) of sub-section (1) in the same manner as he might have dealt with the property if it had not been sold."

APPENDIX VIII.

[Vide item X on page 507 supra.]

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

On 31st October 1935, the Madras Legislative Council appointed the following persons to constitute a Select Committee to consider and report on the Madras Public Service Commission Bill, 1935 (Bill No. 19 of 1935):—

(1) The Hon. Sir Charles Souter (Mover).
(2) Rao Bahadur Sir A. P. Patro.
(3) The Hon. the Raja of Bobbili.
(4) Mr. V. M. Ramaswami Mudaliyar.
(5) Dr. P. Subbarayan.
(6) Mr. Basheer Ahmed Sayeed.
(7) ,, T. C. Srinivasa Ayyangar.
(8) ,, T. S. Ramaswami Ayyar.
(9) ,, V. P. Narayanan Nambiyar.
(10) ,, T. Narasa Reddi.
(11) ,, A. Ranganatha Mudaliyar.
(12) ,, M. B. Rangaswami Reddi.
(13) ,, D. M. Reid.
(14) Rao Sahib V. Dharmalingam Pillai.
(15) Mr. G. Sriramulu.
(16) ,, J. Kuppuswami Choudari.

The Select Committee thus constituted has the honour to make the following report.

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2. The Bill was published in the *Fort St. George Gazette* in English on the 22nd October 1935.

3. The Committee met on the 16th December 1935 and considered the provisions of the Bill. It is meeting to-day to pass its report.

4. The Committee considers that it is desirable that the Public Service Commission appointed for this Presidency should work from now under the conditions under which it would work when the Government of India Act, 1935, comes into operation and that the necessary regulations which would have to be made under that Act should be made now so that any defects in their working might be noticed and necessary modifications made in the regulations as soon as the Government of India Act, 1935, comes into force. The Committee therefore approves of the main provisions of the Bill. It has subjected the clauses of the Bill to careful scrutiny and has made the following changes: —

(i) *Clause* 3.—The various definitions in this clause have been re-arranged so that they may follow one another in logical order.

(ii) *Clauses 5 and* 6.—These clauses are based on section 265 of the Government of India Act, 1935. The Committee thinks that it is desirable to follow the wording of that section with such modifications as may be necessary to make it applicable to the local Public Service Commission. The Committee has accordingly redrafted the clauses so as to follow, as far as possible, the wording of section 265 of the Government of India Act, subject to the requirements of sub-rule (3) of rule 13 of the Civil Services (Classification, Control and Appeal) Rules.

(iii) *Clause* 10.—This clause corresponds to section 17 of the Madras Services Commission Act, 1929. The said section however gives a right to the officer or officers concerned to have the opinion of the Commission communicated to them along with the orders of the authority empowered to pass orders on the case. The Committee considers that there is no sufficient ground for omitting this provision and has accordingly added the necessary words at the end of clause 10.

(iv) *Clause* 12.—This clause as introduced enabled the Local Government to certify that any record, report or information called for by the Public Service Commission either from themselves or from any head of a department or other authority subordinate to them cannot be furnished without undue labour or should be withheld in the public interest. The Committee considers that so far as any record, report or information is called for from an authority subordinate to the Local Government, the provision is unobjectionable; but where the record, report or information is called for from the Local Government themselves, they should not be empowered to refuse to furnish it and that in such a case a higher authority should have the power to judge whether the Local Government should furnish the same or not. The Committee has, therefore, provided that in such a contingency unless the Governor certifies that the record, report or information cannot be supplied, the Local Government should furnish the same. Necessary alterations have accordingly been made in clause 12.

(v) The existing Act contains a provision, namely, section 20, by which within six months of the end of each financial year, the Commission shall present a report of its proceedings to the Local Government and the report shall be brought up by the Local Government for the consideration of the Legislative Council. This provision finds no place in the present Bill. The Committee, by a majority, considers that the Public Service Commission of the future should be under an obligation to make a report to the Local Government of its proceedings every year and that the report should be placed on the table of the Legislature. The Committee has accordingly inserted a new clause to this effect.

5. The other changes made by the Committee do not require special mention.

6. The Committee does not think it necessary that the Bill as amended by it should be republished.

Fort St. George,
10*th January* 1936.

C. A. SOUTER,
Chairman.

[4th February 1936

[**Note.—Changes made by the Select Committee are shown in clarendon type and the portion omitted are shown by dots.**]

BILL No. 19 OF 1935.

The Madras Public Service Commission Bill.

(As amended by the Select Committee.)

Preamble. WHEREAS the Secretary of State for India in Council has made a rule authorizing the local legislature, subject to certain conditions and restrictions, to make laws for the establishment, and for determining the functions, of a Commission to regulate the public services of the Presidency of Madras;

AND WHEREAS it is necessary and expedient to establish a Commission for discharging the functions hereinafter specified in relation to the said services;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title and extent. **1.** (1) This Act may be called the Madras Public Service Commission Act, 1936.

(2) It extends to the whole of the Presidency of Madras.

Repeals. **2.** The enactments mentioned in the schedule are hereby repealed.

Definitions. **3.** (1) In this Act unless there is something repugnant in the subject or context—

(a) 'Public Service Commission' means the Commission established under section 96-C of the Government of India Act;

(*b*) 'Commission' means '**The Madras Public Service Commission**' established under this Act;

(c) 'Chairman' means the Chairman of the Commission referred to in clause (*b*);

(d) 'Governor' means the Governor of Madras;

(e) 'Member' means a member of the Commission referred to in clause (*b*);

(f) 'Presidency' means the Presidency of Madras; and

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(2) In this Act, the terms 'all-India service,' 'provincial service,' 'specialist service' and 'subordinate service' shall have the same meaning as they have in the rules made under sub-section (2) of section 96-B of the Government of India Act by the Secretary of State for India in Council, the Governor-General in Council or the Local Government.

CHAPTER II.—CONSTITUTION OF THE COMMISSION.

4. There shall be established for the Presidency a Commission named 'The Madras Public Service Commission' consisting of a Chairman and such number of other members as the Governor may by regulation determine, for performing the functions hereinafter specified in this Act in respect of the public services in the Presidency. **Establishment of Madras Public Service Commission.**

5. (1) The Chairman and other members of the Commission shall be appointed and may be removed from office by the Governor: **Appointment and removal of the Chairman and members.**

Provided that at least one-half of the members of the Commission shall be persons who at the dates of their respective appointments have held office for at least ten years under the Crown in India.

(2) The Governor may, by regulations, determine the number of members of the Commission, their tenure of office and their conditions of service.

(3) No Chairman or member shall hold, during his service on the Commission, any other office under the Crown in India:

Provided that nothing in this sub-section shall bar the Chairman or other member having a lien on his post on the Commission while temporarily holding the office of Chairman or member of the Public Service Commission or the office of Chairman, as the case may be.

(4) A person who has been the Chairman or a member shall, on vacating his office, be ineligible to hold any office under the Crown in India other than the Office of Chairman or member of the Public Service Commission or of a Commission set up by any law enacted under the authority of rule 13 of the Civil Services (Classification, Control and Appeal) Rules.

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Power of the Governor to make regulations regarding strength, salaries and staff of the Commission.

6. (1) The Governor may, by regulations, make provision with respect to the numbers of the staff of the Commission and their conditions of service.

(2) He may, by regulation, also make provision—

(a) for the allowances including the travelling allowances payable to the Chairman and members of the Commission and to the members of the staff of the Commission; and

(b) for such other expenses as may be incidental to the work of the Commission, including contingencies, supplies and services.

CHAPTER III.—FUNCTIONS OF THE COMMISSION.

Functions of the Commission.

7. (1) Subject to the regulations, if any, made by the Governor under sub-section (3) and subject also to the provisions of sub-section (4), the Commission shall be consulted—

(*a*) on all matters relating to methods of recruitment to any provincial, specialist or subordinate service;

(*b*) on the principles to be followed in making appointments to any provincial, specialist or subordinate service and in making promotions and transfers from one such service to another;

(*c*) on the suitability of candidates for such appointments, promotions or transfers;

(*d*) on all disciplinary matters affecting a person serving His Majesty in any provincial, specialist or subordinate service, including memorials or petitions relating to such matters:

(*e*) on any claim by, or in respect of, a person who is serving or has served His Majesty in any provincial, specialist or subordinate service that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenues of the Presidency;

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(*f*) on any claim for the award of a pension in respect of injuries sustained by a person while serving His Majesty in any provincial, specialist or subordinate service and any question as to the amount of any such award;

and it shall be the duty of the Commission to advise on any matter so referred to them and on any other matter which the Governor may refer to them.

(2) It shall also be the duty of the Commission to conduct all examinations for appointments to any provincial, specialist or subordinate service.

(3) The Governor may make regulations specifying the matters on which either generally or in any particular class of case or in any particular circumstances it shall not be necessary for the Commission to be consulted.

(4) Nothing contained in sub-section (1) shall require the Commission to be consulted as respects the manner in which appointments and posts are to be allocated as between the various communities in the Presidency or, in the case of the subordinate ranks of the police forces in the Presidency, as respects any of the matters mentioned in clauses (*a*), (*b*), (*c*) and (*d*) of sub-section (1).

8. In the exercise of their functions under section 7, the Commission shall observe the rules, if any, made by the Local Government under sub-section (2) of section 96-B of the Government of India Act regarding the constitution of, or recruitment to, the provincial, specialist or subordinate service concerned.

Commission to observe statutory rules.

9. Where any examination is to be held in India to determine whether probationers or officers already in the service of the Local Government have sufficient knowledge of any language or of any law, rules or orders which they may be called upon to administer, or possess any other qualifications including sufficient skill in equitation, which can be tested by examination, to justify their appointment to or promotion in an all-India, provincial, specialist or subordinate service, the Commission shall—

Examinations for probationers and other Government servants.

(i) advise the Local Government in regard to the rules prescribing

(*a*) the conditions of admission to the examination,

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(*b*) the syllabus of the examination, and

(*c*) the percentage of marks to be obtained for passing the examination;

(ii) make all arrangements for the actual conduct of the examination; and

(iii) publish the results in the *Fort St. George Gazette* :

Provided that the Commission shall not exercise any functions under this section in respect of any person in the Civil Service of the Crown in India other than a member of a provincial, specialist or subordinate service save with the general or special approval of the Secretary of State in Council in the case of persons appointed by him and of the Governor-General in Council in other cases :

Provided further that the Governor may by regulation exclude any examination from the scope of this section.

Records in disciplinary cases to be sent to the Commission.

10. In any case in which the Commission are consulted under clause (*d*) of sub-section (1) of section 7 on any disciplinary matter or on any memorial or petition relating to such matter, the record of the case shall be forwarded to the Commission and the opinion given by the Commission shall form part of the record. **and shall be communicated to the officer or officers concerned along with the orders of the authority empowered to pass orders on the case.**

CHAPTER IV.—MISCELLANEOUS.

Vacancy not to invalidate proceedings of Commission.

11. The proceedings of the Commission shall not be invalidated by reason of any vacancy in the office of the Chairman or a member.

Commission's powers to call for information.

12. The Commission may, at any time, call for any record, report or information which may in their opinion be necessary to enable them to discharge their functions, from the Local Government or from any head of a department or other authority subordinate to the Local Government; and such record, report or information shall be furnished to the Commission without undue delay by the Local Government or authority concerned, unless **where the record, report or information is called for**

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from the Local Government, the Governor, and where the same is called for from the head of a department or any other authority,

the Local Government, certify that the same—

(*a*) cannot be furnished without undue labour, or

(*b*) should be withheld in the public interest.

. . . .

12-A. Within six months of the end of each financial year, the Commission shall present to the Local Government a report of its proceedings during such financial year and the report shall be laid on the table of the Madras Legislative Council while in session.

13. (1) The Governor may make regulations to carry out all or any of the purposes of this Act and not inconsistent therewith. **General power of the Governor to make regulations.**

(2) In particular and without prejudice to the generality of the foregoing power, the Governor may make regulations prescribing the procedure to be adopted by the Commission.

14. All regulations made under this Act shall be published in the *Fort St. George Gazette* and upon such publication shall take effect as if enacted in this Act. **Publication of regulations.**

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Year.	No.	Short title.
1929	XI	The Madras Services Commission Act, 1929.
1931	IV	The Madras Services Commission (Amendment) Act, 1931.
1932	VIII	The Madras Services Commission (Amendment) Act, 1932.

TRUTH ALONE TRIUMPHS